AMENDMENT

IN THE CLAIMS:

Please cancel claims 1, 10, and 26 without prejudice. Please amend claims 2, 4, 6, 11-13, 15, 17, and 27-29 and add new claims 48-57 pursuant to 37 C.F.R. §1.121 as follows (*see* the accompanying "marked up" version pursuant to 37 C.F.R. §1.121):

1. Canceled

2. (Amended) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a CASP8 protein in a sample from a cell.

3. (Unchanged) The method according to claim 2, wherein the absence of a CASP8 protein is detected by a method selected from the group consisting of immunoassay and biochemical assay.

4. (Amended) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is methylation of *CASP8* promoter.

5. (Unchanged) The method according to claim 4, wherein methylation of the *CASP8* promoter is detected by methylation polymerase chain reaction (PCR) assay.

C3

6. (Amended) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is a mutation in the *CASP8* genomic gene.

7. (Unchanged) The method according to claim 6, wherein the mutation is selected from the group consisting of an insertion in the gene, a deletion of the gene, a truncation of the gene, a nonsense mutation, a frameshift mutation, a splice-site mutation, and a missense mutation.

8. (Unchanged) The method according to claim 6, wherein the mutation is a deletion in the *CASP8* gene.

9. (Unchanged) The method according to claim 8, wherein deletion of the *CASP8* gene is detected with a labeled nucleic acid probe.

10. Canceled

C4

11. (Amended) The method according to claim 51, wherein the cancer is a tumor in which a *myc* gene is amplified.

12. (Amended) The method according to claim 51, wherein the cancer is a neuroblastoma.

13. (Amended) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a CASP8 protein in a sample from a cell.

14. (Unchanged) The method according to claim 13, wherein the absence of a CASP8 protein is detected by a method selected from the group consisting of immunoassay and biochemical assay.

15. (Amended) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is methylation of *CASP8* promoter.

16. (Unchanged) The method according to claim 15, wherein methylation of the *CASP8* promoter is detected by methylation polymerase chain reaction (PCR) assay.

17. (Amended) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is a mutation in the *CASP8* genomic gene.

18. (Unchanged) The method according to claim 17, wherein the mutation is selected from the group consisting of an insertion in the gene, a deletion of the gene, a truncation of the gene, a nonsense mutation, a frameshift mutation, a splice-site mutation, and a missense mutation.

19. (Unchanged) The method according to claim 17, wherein the mutation is a deletion in the *CASP8* gene.

20. (Unchanged) The method according to claim 19, wherein deletion of the *CASP8* gene is detected with a labeled nucleic acid probe.

26. Canceled

27. (Amended) The kit of claim 55, wherein the detection assay is an immunoassay.

28. (Amended) The kit of claim 55, wherein the detection assay comprises oligonucleotide PCR primers for amplification of at least a part of *CASP8* genomic DNA.

29. (Amended) The kit of claim 55, wherein the detection assay comprises a labeled oligonucleotide of at least 15 bases that specifically hybridizes to *CASP8* genomic DNA.

48. (New) A method for detecting inactivation of a *CASP8* gene, comprising detecting a modification of genomic DNA comprising the *CASP8* gene, wherein such a modification results in the absence of expression of at least one *CASP8* allele and reduction in the total level of expression of CASP8 protein to below that necessary for proper cellular regulation.

49. (New) The method according to claim 48, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a *CASP8* mRNA in a sample from a cell.

50. (New) The method according to claim 49, wherein *CASP8* mRNA is detected by a method selected from the group consisting of Northern blotting and reverse transcriptase-polymerase chain reaction (RT-PCR) assay.

51. (New) A method for diagnosis or prognosis of a cancer comprising detecting inactivation of a *CASP8* gene, wherein inactivation of the *CASP8* gene results in the absence of expression of at least one *CASP8* allele and reduction in the total level of expression of CASP8 protein to below that necessary for proper cellular regulation, and is indicative of the presence of a cancer or a poor prognosis for outcome of treatment of the cancer by conventional therapies.

52. (New) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is detected by detecting the absence of a *CASP8* mRNA in a sample from a cell.

53. (New) The method according to claim 52, wherein *CASP8* mRNA is detected by a method selected from the group consisting of Northern blotting and reverse transcriptase-polymerase chain reaction (RT-PCR) assay.

54. (New) The method according to claim 51, wherein the modification of genomic DNA resulting in inactivation of a *CASP8* gene is selected from the group consisting of homozygous deletion, heterozygous deletion coupled with gene silencing by methylation, and homozygous gene silencing by methylation.

55. (New) A kit for detecting inactivation of a *CASP8* gene comprising an assay for detecting a modification of genomic DNA comprising the *CASP8* gene, wherein such a